IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.Rev.Pet.No. 375 of 2000()

CRA.93/1998 of SESSIONS COURT, THRISSUR
ST.401/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA .
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REVN. PETITIONER: APPELLANT/ ACCUSED

BABU, S/O. VELUTHEDATH KOCHAKKAN,
KARUVANNUR, PORTATHUSSERY,
THRISSUR DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT:

STATE OF KERALA REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10 /08 /2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.375/2000

ORDER ON CRL.MP. 2192/2000 IN CRL.RP. 375/2000

DISMISSED

10.08.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P.NO. 375 OF 2000

DATED THIS THE10TH AUGUST 2007

ORDER

The revision petitioner is the accused in S.T.No.401/1995 in the file of the Judicial First Class Magistrate Court, Irinjalakuda, who stands convicted with respect to the offences under Sections 279 and 338 I.P.C. and sentenced, as modified by the appellate court, to undergo rigorous imprisonment for a period of 15 days and to pay a fine of Rs.1,000/- and in default to undergo simple imprisonment for one month for the offence under Section 338 I.P.C. No separate sentence is awarded for the offence under Section 279 I.P.C. Driving license was disqualified for a period of six months. Counsel for the revision petitioner has only pleaded for modification of sentence pointing out that the incident has taken place in 1991 and so far the accused was facing the ordeal of criminal proceedings. It is also submitted that accused/revision petitioner is rather young on the date of the incident. Evidently the incident has taken place only on account of the rash and negligent driving of the accused as the version is that the taxi car who was driving went off the road and hit a coconut tree and the passengers, Pws.3,4 and 10 sustained grievous injuries which is

evident from the wound certificates produced, i.e.Exts.P7, P6 and P4 respectively and evidence of PWs. 7 to 9, the Doctors.

In the circumstances, the sentence imposed for the offence under Section 338 is modified to imprisonment till the rising of the court and to pay a compensation of Rs.7500/- each to Pws. 3, 4 and 10 and in default to undergo simple imprisonment for 15 days each. The revision petitioner is granted two months time to pay the amount of compensation. No separate sentence is awarded for the rest of the offences. He shall appear before the Judicial First Class Magistrate Court, Irinjalakuda on 15-10-2007. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P.NO. 375 O 2000
ORDER

10-8-2007